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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	A	TTORNEY DOCKET NO.
08/836	,548 04/09/	97 GINES	D	PC9743ALP
		33M1/0224 ⁷	EXA	MINER
PETER PFIZER	C RICHARDSON	The Control of Control of the Contro	MANTIS, E	
	. INC ST 42ND STREE	т	ART UNIT	PAPER NUMBER
NEW YO	RK NY 10017-5	755	3305	
			DATE MAILED:	02/24/98
				140

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No. 08/838,548 Applicant(s)

Examiner

Eleni Mantis Mercader

Group Art Unit 3305

Gines



Responsive to communication(s) filed on Jan 15, 1998	·	
This action is FINAL .		
Since this application is in condition for allowance except for in accordance with the practice under Ex parte Quayle, 1935		
A shortened statutory period for response to this action is set to is longer, from the mailing date of this communication. Failure tapplication to become abandoned. (35 U.S.C. § 133). Extensic 37 CFR 1.136(a).	to respond within the period for response will cause the	
Disposition of Claims		
	is/are pending in the application.	
Of the above, claim(s)	is/are withdrawn from consideration.	
☐ Claim(s)		
	is/are rejected.	
Claim(s)	is/are objected to.	
☐ Claims		
Application Papers See the attached Notice of Draftsperson's Patent Drawing The drawing(s) filed on	ed to by the Examiner. isapproveddisapproved. under 35 U.S.C. § 119(a)-(d). f the priority documents have been hber) International Bureau (PCT Rule 17.2(a)).	
Attachment(s) Notice of References Cited, PTO-892 Information Disclosure Statement(s), PTO-1449, Paper No. Interview Summary, PTO-413 Notice of Draftsperson's Patent Drawing Review, PTO-94 Notice of Informal Patent Application, PTO-152		
SEE OFFICE ACTION ON T	THE FOLLOWING PAGES	

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DETAILED ACTION

Claim Rejections - 35 USC § 112

1. Claims 1-15 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the measurement circuit" in line 8. There is insufficient antecedent basis for this limitation in the claim. Examiner suggests replacement of the term with --the impedance measurement circuit--.

Claims 2-4 and 7, are vague and indefinite in that it is unclear as to what structures are further limited.

Claim 8, is vague and indefinite in that "the output power" is not positively recited in the body of the claim.

Claims 1-15 recite "a measure". Examiner suggests replacement of the term with "a measurement" to be consistent with the terminology as it pertains to the description of Figure 1.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

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(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

3. Claims 1-15 are rejected under 35 U.S.C. 102(e) as being anticipated by Yates.

Regarding claims 1, 9 and 15, Yates discloses an electrosurgical generator for applying out put power to a load having an electrical impedance, the output power having an RMS value, the electrosurgical generator comprising:

an impedance measurement circuit electrically connected to the load for producing a measure indicative of the electrical impedance (col. 6, lines 36-59);

an RF output stage connected to the load for applying output power to the load, the RF output stage having an input for adjusting the RMS value (col. 6, lines 15-32, col. 9, lines 63-67 and col. 10, lines 1-11);

a controller electrically connected to the measurement circuit and electrically connected to the input, wherein the controller has means for inducing multiple oscillations of the electrical impedance by adjusting the input in response to the measure (col. 9, lines 13-38 and col. 6, lines 22-29).

Regarding claims 3-7 and 11-15, Yates teaches the use of a power controller which may selectively switch off the power supplied to the tissue under a number of conditions including: switching off the power when the measured impedance value exceeds the threshold impedance

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value, when an open or short circuit condition exists or when the voltage or current is supplied for

a period of time exceeding the maximum (col. 3, lines 9-15).

Regarding claims 2, 10 and 15, it is inherent that the multiple oscillations of the impedance

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would occur at a frequency range that coagulation is accomplished.

4. The prior art made of record and not relied upon is considered pertinent to applicant's

disclosure.

Friedman discloses an electrosurgery instrument.

Goble et al. disclose an apparatus for radio frequency bipolar electrosurgery.

Oosten discloses an electrosurgical generator.

Schneiderman discloses a constant output electrosurgical unit.

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5. Any inquiry concerning this communication or earlier communications from the examiner

should be directed to Eleni Mantis Mercader whose telephone number is (703) 308-0899. The

examiner's supervisor, Mr. Marvin Lateef, can be reached on (703) 308-3256.

Any inquiry of a general nature or relating to the status of this application should be

directed to the Group receptionist whose telephone number is (703) 308-0858. The fax phone

number for this group is (703) 305-3590.

PRIMARY EXAMINER

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EMM

February 15, 1998.